

49401-57847

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  D.G.

05 AUG -3 PM 2: 25

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

FERRON THOMPSON,

Plaintiff,

vs.

STATE FARM FIRE AND CASUALTY  
COMPANY,

Defendant.

No. 05-2368-D/An  
JURY DEMANDED

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**PROPOSED RULE 16(b) SCHEDULING ORDER**

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*The parties have conferred and submit the following Proposed Scheduling Order  
for the Court's consideration:*

Pursuant to the scheduling conference set by written notice, the following dates  
are established as the final dates for:

**INITIAL DISCLOSURES (RULE 26(a)(1)):**

All parties: August 24, 2005

**JOINING PARTIES:**

For Plaintiff: October 10, 2005  
For Defendant: November 10, 2005

**AMENDING PLEADINGS:**

For Plaintiff: October 10, 2005  
For Defendant: November 10, 2005

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) EROC on 8/24/05

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**COMPLETING ALL DISCOVERY:**

All parties: April 10, 2006

**(a) REQUESTS FOR PRODUCTION, INTERROGATORIES and REQUESTS FOR ADMISSIONS:**

All parties: February 10, 2006

**(b) EXPERT DISCLOSURE (Rule 26(a)(2)):**

- (i) Plaintiff's expert: February 10, 2006
- (ii) Defendant's expert: March 10, 2006
- (iii) Supplementation: March 20, 2006

**(c) DEPOSITION OF EXPERTS:**

All parties: April 10, 2006, unless Court approves later date due to special circumstances.

**FILING DISPOSITIVE MOTIONS:**

All parties: May 10, 2006

**FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):**

For Plaintiff: 45 days before trial  
For Defendant: 30 days before trial

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial in this matter is expected to last 3 days. The presiding judge will set this matter for JURY TRIAL. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least 10 days before trial.

**OTHER RELEVANT MATTERS:**

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days before the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have discussed trial before the Magistrate Judge and have decided not to waive the case to the Magistrate Judge, but to try the case before Judge Donald.

**The parties are ordered to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.**

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.

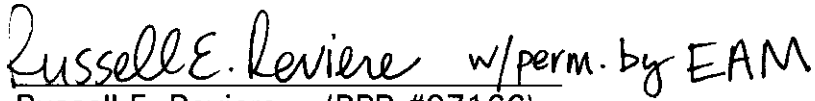
  
S. THOMAS ANDERSON  
United States Magistrate Judge

Date: 

**APPROVED FOR ENTRY:**

A handwritten signature in black ink, appearing to read "Richard L. Winchester".

Richard L. Winchester (BPR # 5611)  
Attorney for Plaintiff  
6060 Poplar Avenue  
Suite 295  
Memphis, TN 38119  
(901) 685-9222

A handwritten signature in black ink, appearing to read "Russell E. Reviere", followed by the handwritten note "w/perm. by EAM".

Russell E. Reviere (BPR #07166)  
Attorney for Defendant  
209 East Main Street  
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## Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02368 was distributed by fax, mail, or direct printing on August 4, 2005 to the parties listed.

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CIRCUIT COURT, 30TH JUDICIAL DISTRICT  
140 Adams Ave.  
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Honorable Bernice Donald  
US DISTRICT COURT